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9 UNITED STATES DISTRICT COURT

10 DISTRICT OF NEVADA

11 J & J SPORTS PRODUCTIONS, INC.,

2:17-cv-00681-JAD-NJK

12 Plaintiff,

**ORDER GRANTING PLAINTIFF'S
RENEWED APPLICATION FOR
DEFAULT JUDGMENT BY THE
COURT (proposed)**

13 vs.

14 REYNA HERNANDEZ QUINTERO,

ECF No. 12

15 Defendant.
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17 Default having been entered against Defendant Reyna Hernandez Quintero, individually
18 and d/b/a La Tradicion a/k/a El Tradicion (hereinafter "Defendant") on January 8, 2017, and the
19 Renewed Application for Entry of Default Judgment and documentation in support thereof having
20 been filed on or about May 24, 2018, and having been served on the Defendant and notice given
21 and no appearance by the Defendant having been made in person or in writing and all other
22 requirements for entry of default judgment pursuant to Federal Rule Civil Procedure 55 having been
23 certified to by Plaintiff's counsel, now therefore finds:
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FINDINGS OF FACT

1. The Complaint alleging violations of the Communications Act of 1934, as amended, Title 47 U.S.C. 605 et seq., and The Cable & Television Consumer Protection and Competition Act of 1992, as amended, Title 47 U.S. Section 553, et seq., was filed on March 7, 2017.

2. A copy of the Complaint was served on the Defendant Reyna Hernandez Quintero as evidenced by the Affidavit of Service [Docket #5]. The time for Defendant LVP International, LLC's response thereto has passed.

3. Default was entered against Defendant Reyna Hernandez Quintero on January 8, 2017 [Docket #8]

4. Defendant Reyna Hernandez Quintero has not filed an appropriate answer to Plaintiff's complaint or has not, in any other manner, sought to defend this action.

CONCLUSIONS OF LAW

Pursuant to the factors enumerated in *Eitel v. McCool*, 782 F.2d 1470, 1471-72 (9th Cir. 1986) Plaintiff J&J Sports Production has shown that: (1) failure to obtain default judgment will prejudice the Plaintiff, (2) Plaintiff's substantive claim has merit under to 47 U.S.C. §605; (3) that Plaintiff has sufficiently pled its Complaint; (4) the sum of money at stake in the action is notable; (5) that there is no dispute concerning material facts, (6) that the default was not due to excusable neglect, and (7) while the policy of deciding merits weighs in favor of the Defendant, this factor, standing alone is not enough to preclude default judgment. Therefore, default judgement against the Defendant, Reyna Hernandez Quintero is appropriate.

Further, the Court finds that Statutory and Enhanced damages are appropriate pursuant to Title 47 U.S.C. § 605(e)(3)(C)(i)(II) and Title 47 U.S.C. § 605(e)(3)(C)(ii). The Court takes into account the purpose of the legislation as described in the *Cable Communications Policy Act of 1984, House Report No. 98-934, 5 U.S. Cong. News. '84 Bd. Vol. -6, 4655, 4720*. The Court

1 additionally finds the award of statutory and enhanced damages appropriate pursuant to the
2 comparative cases of *J&J Sports Productions, Inc. v. McCausland*, 2012 WL 113786, *4 (S.D.
3 Ind. Jan. 13, 2012 and *Kingvision Pay-Per View, Ltd. v. Jasper Grocery*, 152 F.Supp.438, 442

4 (S.D.N.Y. 2001); Therefore, *it is HEREBY ORDERED that the*
5 *motion for Default Judgment [ECF No. 12] is Granted;*
6 IT IS HEREBY ORDERED AND ADJUDGED that JUDGMENT be entered against

7 Defendant and in favor of J & J Sports Productions, Inc. as follows:

8 a. For the Violation of Title 47 U.S.C. § 605(e)(3)(C)(i)(II): \$ \$10,000

9 b. For the Violation of Title 47 U.S.C. § 605(e)(3)(C)(ii): \$ \$30,000

10 Total: \$ \$40,000

11 and it is further **ORDERED AND ADJUDGED** that Plaintiff may submit its request for costs and
12 attorneys' fees within 14 days of the entry of this Order.

13 **It is so ordered:**

14 DATED this 8th day of February, 2018.

15 IT IS FURTHER ORDERED that the
16 Clerk of Court is directed to CLOSE
17 THIS CASE.

18 
19 Honorable Jennifer A. Dorsey
20 United States District Judge
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